

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

LINDA L. BURKE

v.

NATIONAL ASSOCIATION OF  
LETTER CARRIERS HEALTH BENEFIT  
PLAN, et. al.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

C.A. No. 10-71ML

**MEMORANDUM AND ORDER**

In this matter, Linda Burke filed an Application to Proceed Without Prepayment of Fees (including the \$350.00 civil case filing fee) and Affidavit on February 19, 2010. (Document No. 2). The Application has been referred to me for determination. 28 U.S.C. § 636(b)(1)(A); LR Cv 72.

The Application, which is signed under penalty of perjury, contains several incomplete answers. For example, in Question 2 of the Application, Ms. Burke indicates that she is “currently employed,” but does not provide any of the other details required by Question 2. Ms. Burke merely responds that “[b]etween household & living expenses, medical costs & child support, I do not have enough to pay this.” Moreover, Questions 5 and 6 are unanswered. These questions require Ms. Burke to state if she has any cash or checking or savings accounts, and if she owns any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value. Finally, Question 8 requires Ms. Burke to list the persons dependent on her for support and “indicate how much you actually contribute to support.” Ms. Burke did not fully answer this question.

The Court cannot determine whether Ms. Burke qualifies to have her Application granted in this case until Ms. Burke completely and fully answers each question contained on the

Application. Moreover, in September 2009, this Court adopted a new form Application. The form is available at the Clerk's office and on the Court's website. The Clerk is instructed to mail a copy of revised AO Form 240 to Ms. Burke with this Order. If Ms. Burke elects to continue to pursue her Application for *in forma pauperis* status, she is ordered to fully and completely answer each question and sign the Form enclosed with this Order by March 12, 2010. Failure to do so will result in denial of her pending Application and dismissal of this case. Alternatively, Ms. Burke may elect to pay the required \$350.00 filing fee.

SO ORDERED

ENTER:

/s/ Lincoln D. Almond  
LINCOLN D. ALMOND  
United States Magistrate Judge  
February 23, 2010

BY ORDER:

/s/ Jeannine Noel  
Deputy Clerk